



8/15 election
Shun Nakamura -
6/21/02

Docket No.: K6510.0055/P055
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shun Nakamura et al.

Application No.: 09/657,154

Group Art Unit: 3713

Filed: September 7, 2000

Examiner: A. Enatsky

For: GAME APPARATUS, INPUT DEVICE
USED IN GAME APPARATUS AND
STORAGE MEDIUM

**SUPPLEMENTAL RESPONSE TO
ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the Office Action dated May 28, 2002, Applicants supplement their Response, filed April 5, 2002, as follows:

Applicants hereby provisionally elect the claims of Group I and, more particularly, the species directed to a game apparatus using light emission and detection for spatial positioning, covered by claims 1, 2, 7, 10-15, 20, 22, 23, 28, 29 and 37, for continued examination, with traverse.

As stated in the election of species requirement dated February 11, 2002, each of Groups I, II, III and IV contain independent claims directed to a game apparatus to determine player spatial positioning. Accordingly, the search areas for the elected subject matter will overlap the search areas for the non-elected subject matter as well and, thus, no undue burden would be involved in examining all pending claims together.

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Applicants' election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.146. Currently, claims 8, 9, 16-19, 21, 27, 33, 38-40, 34, 35, 36 and 44-49 are considered generic.

Further, the Examiner is reminded of the fact that a claim generic to at least Groups I, II and III was filed on April 5, 2002 as part of a Preliminary Amendment.

A Petition for Extension of Time also is being filed herewith.

In light of the above, an action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: June 11, 2002

Respectfully submitted,

By 

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